

Attorney Docket No.: LXGN-00103

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: PERSON

Serial No.: 09/933,056

Filing Date: August 20, 2001

Examiner: Cheyne D. Ly

Title: Creation of a Unique Sequence File

I hereby certify that this correspondence is being deposited with the U.S. Postal Service via First Class Mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date indicated below:

7-22-03  
DateReynetta Deveau  
Reynetta Deveau

via telexphone

#11  
Plunkett  
7/31/03

Technical Center 1600  
Assistant Commissioner of Patents  
Crystal Mall 1  
Arlington, Virginia

Via PTO Fax Center: 703.308.4242

Response to Office Action Dated April 22, 2003

This is a reply to the Office Action mailed April 22, 2003, setting a one month statutory period for response and extended by the petition for extension of time attached hereto. Please enter the following amendments and remarks into the record.

ELECTION/RESTRICTIONS AMENDMENT

The Examiner has instructed Applicant that the application must be restricted to one of the following inventions under 35 U.S.C. 121:

I. Claims 1-25, drawn to a database of unique nucleotide sequences, classified in classes 702 and 708, subclasses 20 and 1, respectively. If this group is elected, then the below summarized 2 species sets (A and B), election of a species from each set is required.

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II. Claims 26-56, drawn to a method for generating a database of sequences that are greater than or equal to about 100 nucleotides in length, classified in class 702, subclass 20. If this Group is elected, then the below summarized 5 species sets (A-E), election of a species from each set is required.

III. Claim 57, drawn to a process of Figure 1A, classified in class 702, subclass 20. If this Group is elected, then the below summarized 5 species sets (A-E), election of a species from each set is required.

IV. Claim 58, drawn to a process of Figure 1B, classified in class 702, subclass 20. If this Group is elected, then the below summarized 5 species sets (A-E), election of a species from each set is required.

V. Claim 59, drawn to a process of Figure 2, classified in class 702, subclass 20. If this Group is elected, then the below summarized 5 species sets (A-E), election of a species from each set is required.

VI. Claim 60, drawn to a method for identifying unique nucleotide sequences, classified in class 702, subclass 20. If this Group is elected, then the below summarized 5 species sets (A-E), election of species from each set is required.

Applicant hereby elects to proceed with Group II Claims and the following species: Species Set A, Animal DNA/RNA; Species Set B, computer-readable encoding medium; Species Set C, GenBank public domain sequence database; Species Set D, BLAST database searching algorithm; and Species Set E, PAM scoring matrix program.

Applicant also hereby requests Claims 1-25 and 57-60 be canceled without prejudice and can be refiled in a continuing application setting forth additional inventions.

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**Status of the Claims**

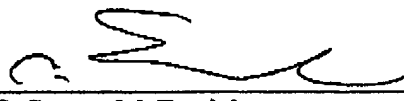
Claims 26-56 presently stand pending subject to restriction and/or election requirement.

Claims 1-25 and 57-60 have been canceled without prejudice.

The Commissioner is authorized to charge to McDaniel & Associates P.C. Deposit Account No. 50/1085, any fee for extension of time deemed necessary to make timely the filing of this response.

Respectfully submitted,

Date: 07.03.03

  
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